

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

From an administrative point of view it is noted that, although this case was assigned a 371 filing date of 22 April 2006, it actually was filed 20 April 2005, one day before the 30-month PCT term expired, as evidenced by a postcard returned from the USPTO and filed with a Request for Corrected Filing Receipt filed 27 May 2005. There has been no action on this Request, nor has the application been declared abandoned for failure to make the 30-month term date. Since the application is being examined, it is apparently in good order despite this discrepancy.

Before going into an analysis of the art it is important to clarify what the invention is, as the rejection seems to indicate that the invention is not understood. Below is a set of claims with reference numerals from the drawings inserted to identify what is what:

9. A closure assembly for a container, the assembly comprising:

a neck part 3 extending along an axis and defining an axially outwardly open outlet mouth;

a cap part 1 fittable in a closed position with the neck part 3 to block the outlet mouth;

interengaging means (screwthreads 6 and 11) on the parts 1 and 3 for retaining the cap part 1 in the closed position and actuatable for axial outward (up in the drawing) movement of the cap part 1 relative to the neck part 3 into an open position unblocking the outlet mouth;

an annular collar formation 15 or 31 formed on one of the parts 1 and 3, flared axially inward (down in the drawing), and having an outer edge of a predetermined large diameter; and

an annular formation 7 or 30 on the other of the parts 1 and 3 having a flared surface flared axially inward (down in the drawing) and having an inner edge of a predetermined small diameter smaller than the large outer-edge diameter, the inner edge being axially outward of the collar outer edge in the closed position, at least one of the formations 7, 15, 30, or 31 being elastically radially deformable on outward movement of the cap part 1 from the closed position to the open position with the outer edge passing the inner edge, the formations 7, 15, 30, or 31 engaging axially and preventing the cap part 1 from moving from the open position to the closed position.

10. The closure assembly defined in claim 9 wherein the collar formation 15 or 31 is formed on the cap part 1 and

fits radially inside the neck part 3 in the closed position.

11. The closure assembly defined in claim 10 wherein the neck part 3 has a large-diameter portion 3, a small-diameter portion 8 between the large-diameter portion and the outlet mouth, and an transition region 7 between the large- and small-diameter portions and having an inner surface 13 forming the flared surface of the other part.

12. The closure assembly defined in claim 9 wherein the cap part 1 has a rim 10 fitting over and around the neck part 3 and formed with the collar formation 31, the annular formation 30 of the other part being an annular frustoconical wall tapering axially outward (up in the drawing) and annular surrounding the collar formation 31.

13. The closure assembly defined in claim 9 wherein the collar formation 15 or 31 has an sharp edge.

14. The closure assembly defined in claim 9 wherein the collar formation is annularly continuous.

15. The closure assembly defined in claim 9 wherein both the neck part 3 and cap part 1 are made of plastic.

16. The closure assembly defined in claim 9 wherein the means 6 and 11 are interengaging screwthreads formed on the parts 1 and 3.

It is also noted that the claims define an "axially outwardly open" mouth, clearly establishing an axis and an in/out direction. Thus the terms "axially inwardly flaring" and "axially

"outwardly tapered" are clear, it being noted that to flare is to increase in cross-sectional size, and to taper being to decrease in cross-sectional size.

The purpose of this structure is to make a simple tamper-proof cap that can easily be removed from the container but not put back on it. At the same time there is no need for the user of the container to take any special steps to make the cap removable; instead the cap is simply unscrewed. What is more, there are no separate elements that have to be discarded, like the tear-off rings of the prior art. The user simply unscrews the cap in the normal manner, but cannot subsequently put it back on.

Taking the above into account it is clear that the references do not show the structure of the instant invention.

More particularly, US 3,716,162 of Botkin has a cap 18 with an outwardly projecting bead 50 that engages under a lip 36 of a tear-off rim 34. This structure works almost exactly opposite to the structure of the instant invention in that the bead 50 can be forced axially inward past the lip 36. To move it outward it is necessary to strip off the rim 34. Thus this reference lacks the axially inwardly flared collar of this invention; instead the lip 36 is axially inwardly tapered. Nor does it have anything resembling an axially inwardly flared surface on the other part;

instead it has the bead 50. No §102 rejection is possible on this reference because structure explicitly described in main claim 1 is not seen in Botkin.

US 4,024,976 of Acton is even further afield. The two formations that engage each other are the lower surface of the inwardly projecting rim 11 on the cap 1, which is axially inwardly tapered (not flared) and the similarly axially inwardly tapered (not flared). This system works altogether differently in that the tear-off strip 14 has to be removed to allow the cap rim 8 to expand and pull off the top of the container. Opposite to the instant invention, the cap 1 can be refitted to the container. Thus in Acton the structure is different, and the action is different. This reference in fact teaches away from the instant invention and cannot form a valid §103 rejection.

Nothing in the cited art suggests codirectionally axially inwardly flared and interengaging formations that can be pulled axially apart and not fitted together again. The basic idea of the invention is clearly novel and not suggested in the art. A §103 rejection on the applied art is impossible.

For these reasons all the claims in the case are allowable. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

K.F. Ross P.C.

//Andrew Wilford//

by: Andrew Wilford, 26,597
Attorney for Applicant

26 March 2008
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: 718 884-6600
Fax: 718 601-1099
Email: email@kfrpc.com

Enclosure: None.